

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

GEORGE SMILJANICH,

PLAINTIFF,

CIVIL ACTION No. 04-70505

V.

HONORABLE ARTHUR J. TARNOW
UNITED STATES DISTRICT JUDGE

GENERAL MOTORS CORP.,

DEFENDANT.

**ORDER GRANTING PLAINTIFF'S MOTION TO CORRECT
CLERICAL MISTAKES PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE
60(a)[D/E # 42]**

Before the Court is Plaintiff's Motion to Correct Clerical Mistakes Pursuant to Federal Rule of Civil Procedure 60(a), which states:

Clerical mistakes in judgments, orders or other parts of the record and errors therein arising from oversight or omission may be corrected by the court at any time of its own initiative or on the motion of any party and after such notice, if any, as the court orders. During the pendency of an appeal, such mistakes may be so corrected before the appeal is docketed in the appellate court, and thereafter while the appeal is pending may be so corrected with leave of the appellate court.

On March 9th, 2007, this Court entered its Findings of Fact and Law determining that Plaintiff was entitled damages based on the doctrine of equitable estoppel. In comparing the parties' Proposed Findings of Fact, it is undisputed that both sides agree that in 1986 Plaintiff began and continued working as a salaried employee at General Motors' GM/Delphi Chassis Systems Coil Spring Operation until that division was sold to Chasco Systems, Inc. in 1998. In recounting Plaintiff's employment history in Fact Numbers 4, 5, and 6, the Court incorrectly referred to "Delphi Cassis" as "Delco Chassis." The paragraphs should be corrected to read:

3. Beginning in 1986, Plaintiff worked as a salaried employee as a Senior Manufacturing Engineer at the Delphi Chassis facility in Flint, Michigan.
4. Plaintiff remained continuously employed with General Motors at the

Delphi Chassis facility from that date until September 1, 1998.

5. On August 31, 1998, the General Motors/Delphi Coil Spring Division of Delphi Chassis was sold to an investment banking firm, which operated the new business under the name of Chasco Systems Inc. ("Chasco").

Additionally, this Court incorrectly stated in Fact Number 41 that Stephanie Sullivan asked Diane LaLiberte to correct the records and change the service date from March 31, **1997** to July 17, 2000. The email clearly demonstrates that Sullivan asked LaLiberte to change the service date from March 31, **1977**, the date he first became employed by General Motors, to July 17, 2000, the date he was rehired by General Motors. As a result and because only this reading would make sense, the paragraph should be corrected to read:

41. On February 6, 2002, Sharon Ridgell sent an email to Stephanie Sullivan, which was then forwarded to LaLiberte. Ridgell explained why Mr. Smiljanich's service dates should be July 17, 2000. In her forwarded email, Sullivan asked LaLiberte to correct the records and change the service date from March 31, 1977 to July 17, 2000. Despite this request, the personnel records at General Motors were not changed subsequent to the instruction of LaLiberte to make the change.

IT IS SO ORDERED.

s/Arthur J. Tarnow
Arthur J. Tarnow
United States District Judge

Dated: March 27, 2007

I hereby certify that a copy of the foregoing document was served upon counsel of record on March 27, 2007, by electronic and/or ordinary mail.

s/Theresa E. Taylor
Case Manager

